

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Takehiko NAKA et al.
Title: BENZIMIDAZOLE DERIVATIVES, THEIR
PRODUCTION AND USE
Prior Appl. No.: 10/046,189
Prior Filing Date: January 16, 2002
Examiner: Unassigned
Art Unit: 1626

INFORMATION DISCLOSURE STATEMENT
UNDER 37 CFR §1.56

Commissioner for Patents
Washington, D.C. 20231

Sir:

Submitted herewith on Form PTO-1449 is a listing of documents known to Applicants in order to comply with Applicants' duty of disclosure pursuant to 37 CFR 1.56

Applicants submit herewith on Form PTO-1449 a listing of the documents cited by or submitted to the U.S. PTO in parent application Serial No. 10/046,189, filed January 16, 2002. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified parent application.

The submission of any document herewith, which is not a statutory bar, is not intended as an admission that such document constitutes prior art against the claims of the present application or that such document is considered material to patentability as defined in 37 CFR §1.56(b). Applicants do not waive any rights to take any action which would be

appropriate to antedate or otherwise remove as a competent reference any document which is determined to be a *prima facie* art reference against the claims of the present application.

TIMING OF THE DISCLOSURE

The listed documents are being submitted in compliance with 37 CFR §1.97(b), before the mailing date of the first Office Action on the merits.

RELEVANCE OF EACH DOCUMENT

Applicants submit herewith on Form PTO-1449 a listing of the documents cited by or submitted to the U.S. PTO in priority applications Serial Nos. 09/817,231; 09/376,494, and 08/924,9191. As provided in 37 CFR §1.98(d), copies of the documents are not being provided since they were previously submitted to the United States Patent & Trademark Office in the above-identified priority applications.

Applicants respectfully request that any listed document be considered by the Examiner and be made of record in the present application and that an initialed copy of Form PTO-1449 be returned in accordance with MPEP §609.

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 CFR §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or

even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date July 7, 2003

By Stephen B. Maebius

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PATENT TRADEMARK OFFICE

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Substitute for form 1449B/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT Date Submitted: (use as many sheets as necessary)			Complete if Known	
			Application Number	
			Prior Appl. No. 10/046,189	
			Filing Date	
			Prior Filing Date: January 16, 2002	
			First Named Inventor	
			Takehiko Naka	
			Group Art Unit	
			Unassigned	
			Examiner Name	
			Unassigned	
			Attorney Docket Number	
			087147-0486	

U.S. PATENT DOCUMENTS						
Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
	A1	4,562,896		Schevrel et al.	07/1995	
	A2	4,764,623		Kees	08/1988	
	A3	4,775,679		Chang	06/1988	
	A4	4,880,804		Carini et al.	11/1989	
	A5	5,864,043		Narr et al.	01/1999	
	A6	4,663,339		Kisida et al.	05/1987	
	A7	4,612,323		Kisida et al.	09/1986	

FOREIGN PATENT DOCUMENTS							
Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Documents	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Office ³	Number ⁴	Kind Code ⁵ (if known)			
	A8	EP	028833		Takeda Yakuhin Kogyo Kabushiki Kaisha	5/20/1981	
	A9	EP	028834		Takeda Yakuhin Kogyo Kabushiki Kaisha	5/20/1981	
	A10	EP	245637		Warner-Lambert Company	11/19/1987	
	A11	EP	023310		Eder, Franz X, Prof. Dr.	2/4/1981	
	A12	EP	0291969		E.I. Du Pont De Numours and Company	11/23/1988	
	A13	EP	0323847		E.I. Du Pont De Numours and Company	7/12/1989	
	A14	EP	0392317		Dr. Karl Thomae GmbH	10/17/1990	
	A15	EP	0400835		Merck & Co., Inc.	12/5/1990	
	A16	EP	0420237		Eisai Co., Ltd.	4/3/1991	
	A17	EP	0399732		Imperial Chemical Industries, Inc.	11/28/1990	

NON PATENT LITERATURE DOCUMENTS			
Examiner Initials*	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.) date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ⁶
	A18	NODA et al., "Inhibition of Rabbit Aortic Angiotensin II (All) Receptor by CU-11974, a new Nonpeptide All Antagonist," Biochen Pharm., 1993, pgs. 311-318, Vol. 46, No. 2	

Examiner Signature	Date Considered
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document.

⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

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Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, PO Box 1450,